



Town of Southern Shores

"A Town of Volunteers"

6 Skyline Road, Southern Shores, NC 27949

Telephone: (252) 261-2394 Fax: (252) 261-0452

Web Site: southernshores.org

E-mail: info@southernshores.org

Council Meeting

May 1, 2001

9:00 a.m.-Pitts Center

1. Mayor Sutherland called the meeting to order at 9:00 a.m.
All Council members present.
2. Mayor Sutherland led the Pledge of Allegiance.
3. Mayor Sutherland asked that a moment of silence be held for Jay Griffis.
4. Consent Agenda-Councilman Campbell made a motion to approve the consent agenda as presented. Councilman Kennedy seconded. Approved unanimously.
5. Introduction of new Police Officer

Police Chief Brazell introduced Lance Fallen as the new officer. He stated that Lance comes from the Manteo Police Department. Officer Fallen stated that he is glad to be working in Southern Shores.

6. Planning Board Recap-April 16, 2001 (see attached)

Chairman Dan Shields presented the recap of the April 16, 2001 meeting.

Councilman Smith asked that it be explained how out-of-state property owners could submit comments in regards to public hearing matters? Tom White explained that letters and emails in a conditional use quasi-judicial hearing can not be used in determining a decision by Council. He stated that testimony for this type of hearing needs to be sworn testimony.

Tom White stated that there are legislative public hearings and conditional use hearings. He stated that the quasi-judicial conditional use hearing is to see that the application meets the standards of the zoning ordinance and that Council can place conditions on the permit, if needed upon approval.

7. Set Public Hearing dates

Mayor Sutherland stated that a date needs to be set for public hearings for the draft amendments to the zoning ordinance; the RS-10 zoning district; the application for permit for conditional use as presented by the Planing Board, adoption of the amended and restated zoning ordinance; and for the site plan amendment from the All Saint's Episcopal Church for lighting of the parking lot.

Public Hearing dates

Councilman Denny stated that he sees no need for a public hearing for the installation of the lights at the church. He stated that he attended the several Planning Board meetings regarding this issue over the last three months. He stated that the church has scaled down the power and height of the poles from their original plan. The affected neighbors attended the first meeting but not the others. Councilman Campbell stated that for the betterment of the church's position in the community a public hearing should be held. Councilman Smith concurred. He stated that the neighbor impacted the most did not attend the Planning Board meeting due to his having a stroke.

Councilman Kennedy asked if this would be a legislative public hearing? Mayor Sutherland said yes.

Councilman Campbell moved to hold a public hearing on June 5 at the regular Council meeting for the All Saint's Episcopal Church site plan amendment to install lights in the parking lot. Councilman Smith seconded. Councilman Denny voted against holding the public hearing. Vote was 4 to 1.

Mayor Sutherland would schedule public hearings for June 5 for the draft zoning ordinance, draft RS-10 amendment, and the draft Article X-Application for Permit for Conditional Use. Councilman Campbell moved to hold these three public hearings on June 5. Mayor Sutherland seconded. Approved unanimously.

8. Old Business

a. Cable Franchise Agreement

Councilman Campbell presented the agreement to Council and Tom White, attorney. T. White addressed several changes before the contract could be adopted. Councilman Campbell stated that he would take up those changes with the committee and Council will need to set a public hearing date at a later time. Councilman Campbell stated that the current cable contract expires tomorrow but that the Town is protected by the Town ordinance.

b. Large Home Update

Councilman Kennedy commented that he reviewed a portion of Bald Head Island zoning ordinances applying to large homes. He will submit the Town's large home materials to Tom White to review and that he can propose language for the ordinance.

c. Surplus Jet Ski Bid

Tom Gjestson announced that the Town received \$5,001.00 from the sealed bid of the surplus jet ski.

Old Business cont'd

Mayor Sutherland announced that a boat has been purchased to patrol the Town's waters. Councilman Campbell asked when the boat will be ready? Chief Brazell stated he hopes by May 12, in time for the SS Boat Club picnic. Councilman Campbell asked if arrangements have been made for a boat slip? Chief Brazell said yes.

9. New Business

a. Set date for Budget Workshop

Mayor Sutherland recommended the budget workshop be held May 11th at 9:00 a.m. in the Pitts Center. Council agreed. The public is welcome.

b. Street Renovation Project Bid

Councilman Denny announced that the Town received two valid bids for the street renovation project. The bids were from Barnhill Construction in the amount of \$240,790.00 and RPC Contractors in the amount of \$241,965.00. The contract was awarded to Barnhill Construction and they will begin as soon as possible.

Redistricting Resolution

Councilman Kennedy explained that due to the recent Census 2000 the representation of voters has changed and he moved to adopt the submitted resolution asking that the Dare County Board of Commissioners appoint a committee to study the redistricting issue. Mayor Sutherland seconded. Approved unanimously.

c. Town Projects

T. Gjestson reported that there is progress on the proposed installation of the metal building at the old recycle center. There will be a survey of the property and a preliminary floor plan will be submitted. He reported that the windows at Town Hall need to be replaced and contractors have been contacted to submit bids.

10. Public Comment

Ken Rolley, who is a member of the building committee of the All Saint's Episcopal Church, stressed the importance of the lighting in the parking lot being approved due to the safety factor. He expressed his concern that after being before the Planning Board three times they now have to wait until June for a public hearing before they find out if the proposed lighting will be approved. He asked who accepts the liability in the event there is an accident? He stated that it is unheard of having another hearing and still safety issues have not been discussed.

11. Council Agenda

Councilman Denny suggested sending a broadcast email alerting property owners that crews will be doing overhead trimming with minimum notice.

Councilman Kennedy announced that he will be asking Council to consider an extension on the recycle contract, which expires on September 30, at the Council workshop.

Councilman Campbell-none

Councilman Smith-none

12. Mayor's Agenda

Mayor Sutherland announced that a letter of resignation has been received from Jack Cox as a member of the Board of Adjustment. Mayor Sutherland moved to appoint Charlie Meyer, BOA alternate to fill that vacancy. Councilman Campbell seconded. Approved unanimously.

Mayor Sutherland made a motion to appoint Pat Storey as Vice Chairman of the Board of Adjustment for a one-year term. Councilman Campbell seconded. Approved unanimously.

Mayor Sutherland made a motion to appoint Jodi Hess as an alternate to the Board of Adjustment to fill Charlie Meyer's term. Councilman Smith seconded. Approved unanimously.

Mayor Sutherland announced that members of Council and the Town Manager attended the annual Legislative Breakfast on April 30.

Mayor Sutherland announced arrangements have been made to have David Owens of the Institute of Government to present a Board of Adjustment workshop on May 3 at 1:00 p.m. in the Pitts Center. The Town has invited the Board members of the other towns to participate.

Mayor Sutherland reported that Senator Marc Basnight introduced an alternative to the Dare County Beach Nourishment Program and suggested writing a letter to him asking him to explain in more detail how it would work.

Mayor Sutherland announced that Representative Culpepper would attend a meeting in July or August here. He has not confirmed a date for Congressman Jones and he would like to propose that Senator Marc Basnight also be invited to attend a meeting.

Mayor Sutherland announced that T. Gjestson, along with himself, attended a meeting with Dominion NC Power on their plans for updating services and they have been invited to give a presentation at a Council meeting.

Mayor Sutherland stated that a property owner of Ginguite Woods development asked him for assistance in finding out when the development would be finished? He proposed that the developer be invited to a meeting to give an update and time line of the project.

Mayor's Agenda cont'd

Mike Hejduk, Code Enforcement Administrator, stated that the hold up has been the wastewater treatment plant. The plant is to arrive any day and there has to be some modifications due to some state requirements. Councilman Denny asked if the site plan is required to go back to the Planning Board? M. Hejduk stated that the final site plan has not been submitted to the Planning Board.

D. Shields stated that the changes are minimal and the state is the permit agent. Councilman Denny asked if the Town is responsible for the delay? D. Shields stated that the delay is with the State.

M. Hejduk explained that the preliminary site plan was approved on April of 1999. The developer wanted to proceed with the building of the units and to do so he had to have a septic permit from the County. The permit was issued with the understanding that the initial five units would not have electrical service and would be connected to the wastewater treatment plant only. He stated that when electrical power is supplied to the units is when he will do his final inspection.

Councilman Campbell asked if Council has any leverage to move this along? T. White said no. The issues are between the developer and the buyer.

Councilman Kennedy asked what is the status of the Southern Shores Crossing project? M. Hejduk stated that the developer has decided to make changes to the site plan and that the revised site plan will need to go to the Planning Board.

Councilman Campbell stated that the access to the property is dangerous and should be reconsidered.

Councilman Smith stated that the developer submitted a request to the Planning Board for the re-zoning of a residential lot to commercial for that purpose but he withdrew the request.

Councilman Campbell suggested Council write a letter to Senator Basnight requesting his concept on his alternative beach nourishment plan.

13. Town Manager's Agenda

T. Gjestson reported that an arrangement has been made with Avery Landscaping at a cost of \$1,200 a month for maintenance of the multi-use path and that there is a 30-day cancellation clause.

He stated that a public works employee would be discussed at the budget workshop.

He stated that the solid waste tipping fee would need to be adjusted by 31/2%.

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Council Meeting
May 1, 2001

Town Manager's Agenda cont'd

He stated that the agreements of granting office space to SSCA and Chicahauk need to be renewed and he recommends that the renewal agreements be for a three year period at a \$100.00 a month.

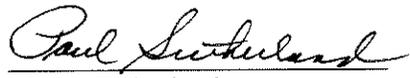
Chief Brazell gave monthly police report.

14. Town Attorney Agenda-none

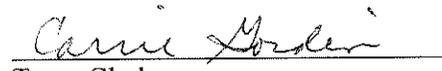
Mayor Sutherland moved to adjourn the meeting at 10:10 a.m. Councilman Campbell seconded.
Approved unanimously.

ATTEST:

Respectfully submitted:



Mayor Sutherland



Town Clerk

4/29/01

SOUTHERN SHORES FIRE DEPARTMENT
15 S. Dogwood Trail
Southern Shores, NC 27949

Dave Bakken, Chief

Barry Shannon, Chairman

MONTHLY REPORT TO TOWN -FIRE CALLS FOR 2000-01

CALLS ANSWERED	April	FY 00-01
STRUCTURE 111	0	27
PROP O/S STRUCTURE 112	0	2
VEHICLE FIRE 131	0	3
BRUSH FIRE 142	1	7
EMS 311	15	141
RESCUE 300	0	4
VEHICLE ACCIDENT 322	2	15
SERVICE CALL 500	0	8
GOOD INTENT 600	0	8
FALSE MALFUNCTION 735	0	20
FALSE UNINTENTIONAL 740	6	58
HAZARDOUS CONDITION 400	3	16
OTHER 900	0	0
TOTAL CALLS	27	309
MUTUAL AID GIVEN	7	60
MUTUAL AID RECEIVED	2	78
CASUALTIES	0	0
PROPERTY LOSS \$	1500	1500
VOLUNTEER HOURS	883	10883



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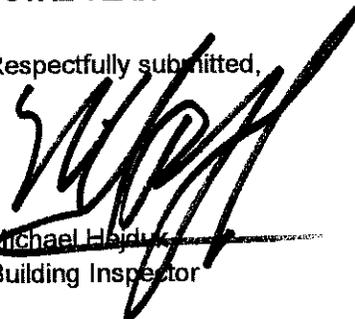
E-mail: info@southernshores.org

April 30, 2001

MONTHLY PERMIT SUMMARY

TYPE CONSTRUCTION	NO.	COST	FEES
SOUTHERN SHORES			
New	4	879,000.00	5,675.37
Add/Alt	5	287,000.00	1,455.86
Other	30	260,433.00	3,068.82
TOTAL SS	<u>39</u>	<u>1,426,433.00</u>	<u>10,200.05</u>
CUMULATIVE FY2001	<u>246</u>	<u>17,215,329.06</u>	<u>112,578.62</u>
TOTAL HOMES SS	1967	5 Certificate(s) of Occupancy issued this month)	
(TOTAL LAST YEAR)	1900		
MARTIN'S POINT			
New	0	-	-
* Add/Alt	0	-	-
Other	0	-	-
TOTAL MP	<u>0</u>	<u>-</u>	<u>-</u>
CUMULATIVE FY2001	<u>18</u>	<u>1,726,476.00</u>	<u>10,818.11</u>
TOTAL HOMES MP	187	0 Certificate(s) of Occupancy issued this month)	
(TOTAL LAST YEAR)	172		
CAMA PERMITS	2		200.00
PLAN REVIEW FEE	15		1,045.00
ADD TO PERMITS	1		100.00
RE-INSPECTIONS	1		50.00
ZONING BOOK/MAP	0		-
TOTAL MONTH		<u>1,426,433.00</u>	<u>11,595.05</u>
TOTAL YEAR		<u>18,941,805.06</u>	<u>137,451.44</u>

Respectfully submitted,



Michael Hardy
Building Inspector

* We will be reporting certificates of occupancy issued and possible additions to open permits for Martins' Point.

**TOWN OF SOUTHERN SHORES
TAX DEPARTMENT**

DATE: May 1, 2001

PICKUPS

Feb Levy	\$ 2,748.44
Mar Levy	\$ 4,773.56
S Walters	\$ 120.00
J Sillies	\$ 18.46

RELEASES

Dockside in Duck	\$ 6.68
Dockside in Duck	\$ 5.16
Dockside in Duck	\$.72
M Hejduk	\$ 5.73
E Spangler	\$ 12.83
S Walters	\$ 214.76
J Dunstan	\$ 6.12
J Marchione	\$ 3.73
J Marchione	\$.41
J Smith	\$ 5.87
J Smith	\$ 25.80
Duck Woods Cty Club	\$ 3.61
R Mitchell	\$ 2.60
R Sherman	\$ 1.40
J Dempsey	\$ 2.05
P Marroquin	\$.46
K Walters	\$ 18.36
D Garrett	\$ 8.69

TOTAL \$ 7,660.46

\$ 324.98

TOWN OF SOUTHERN SHORES

TAX DEPARTMENT MONTHLY REPORT

MONTH: April, 2001

DATE: May 1, 2001

COLLECTIONS

MONTH TO DATE

Current Year – 2000	\$ 7,894.16
Prior Years – 1979-1999	\$ 984.61
Interest	\$ 303.74

YEAR TO DATE

Current Year – 2000	\$ 964,945.14
Prior Years – 1979-1998	\$ 18,112.60
Interest	\$ 2,707.94

DRAFT

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF SOUTHERN SHORES

BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Zoning Ordinance be amended as follows:

Part I. Article VII Schedule of District Regulations, Section 7.03 be amended to read RS-10 Residential District

Part II. Article VII Schedule of District Regulations, Section 7.03 B. Permitted Uses be amended to read: The following uses shall be permitted by right:

- 1. Detached single-family dwelling.
2. Home occupations as defined in Section 3.02 of this ordinance.
3. Town-owned or leased facilities.
4. Piers and docks, only when accessory to a building for which a building permit has been obtained. Piers and docks must be permitted by all applicable local, state, and federal agencies having jurisdiction. The activity associated with the pier or dock must be permitted by the zoning district where the pier or dock is anchored. No such permitted dock or pier shall extend into adjacent waters more than seventy-five (75) feet from an estuarine bulkhead, Mean High Waterline, or from a line connecting the outermost limits of the Coastal Wetlands on either side of the proposed structure, whichever is nearest the channel. Only one pier or dock is permitted per building site.

Part III. Article VII Schedule of District Regulations, Section 7.03 C. Conditional Uses Permitted be amended to read: The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Town Council as provided in Article X:

- 1. Churches.
2. Community recreation facilities including boat launching areas, golf courses, tennis courts, community centers, libraries, picnic areas, bathing beaches, and concessions integral thereto provided that there is no open commercial activity and no sign other than a directional non-commercial sign is allowed.
3. Group Development Residential:
a. Minimum lot size:
1. Single Family Detached Residence: 3,000 square feet
2. Townhouse: 3,000 square feet
b. Minimum lot width: 10 feet
c. Minimum front yard: 0 feet
d. Minimum side yard: 0 feet
e. Minimum rear yard: 0 feet.
f. Maximum allowable lot coverage: 100 %
g. Height:

Table with 3 columns: Requirement, Use Type, and Height. Rows include HEIGHT, TOP PLATE; and HEIGHT, MAXIMUM for Single-family & Townhouse.

- n. NO building or other facility (such as playgrounds, tennis courts, swimming pools, parking areas, incinerators, trash collection areas, etc.), shall be located nearer than 50 feet to boundaries of RS-1 districts. The width of a road and its right-of-way along such boundary may be included as part, or all, of the 50-foot separation zone.
- i. Minimum living space: 1,000 square feet of enclosed living space.
- j. Common Area/Open Space: Minimum 9,000 square feet Common Area/Open Space per platted lot.

Part IV. Article VII Schedule of District Regulations, Section 7.03 D. Dimensional Requirements for RS-10 Residential District is amended to read:

- 1. Minimum lot size:
 ——Single Family Detached Residence: 20,000 square feet
- 2. Minimum lot width: 75 feet (measured at building setback line)
- 3. Minimum front yard: 25 feet
- 4. Minimum side yard: 15 feet; an additional 5 foot side yard adjacent to the street is required for a corner lot.
- 5. Minimum rear yard: 25 feet.
- 6. Maximum allowable lot coverage 30 %. In the case of an oceanfront lot, only that area landward of the first line of stable natural vegetation (as defined by CAMA) shall be used for calculating lot coverage.

7. Height:

HEIGHT, TOP PLATE;	Single-family	26 feet
HEIGHT, MAXIMUM		35 feet

- 8. No building or other facility (such as playgrounds, tennis courts, swimming pools, parking areas, incinerators, trash collection areas, etc.), shall be located nearer than 50 feet to boundaries of RS-1 districts. The width of a road and its right-of-way along such boundary may be included as part, or all, of the 50-foot separation zone.
- 9. Minimum living space: Single family - 1,000 square feet of enclosed living space.

Part V. Article III. Interpretation and Definition of Terms, Section 3.02 Definitions of Specific Terms and Words is amended to include definition of:

GROUP DEVELOPMENT, RESIDENTIAL: Detached single-family or townhouses on individual lots less than 20,000 square feet permitted only in the RS-10 District.

TOWNHOUSE: A single-family dwelling unit on its own individual lot connected, by means of a common wall for at least ten (10) feet of its length, to one or more single-family dwelling unit or units

Part VI. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Part VII. This ordinance shall be in full force and effect from and after the ____ day of _____ 2001.

Paul Sutherland, Mayor

ATTEST:

Carrie Gordin, Town Clerk

Date: __/__/__
Vote: __ Ayes __ Noes

Approved as to form:

Thomas L. White, Jr. Town Attorney

This draft is written using the draft 2001 zoning ordinance
4/17/01

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF
SOUTHERN SHORES

BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Zoning Ordinance be amended as follows:

Part I. Article X. Administration and Enforcement, Section 10.05 Application for Permit for Conditional Uses is hereby amended to read:

2. (a) The written application shall include a list of the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected by the conditional use application. The list shall be supplied by the applicant and shall be current according to the most recent tax listing abstract as filed in the office of the Dare County Tax Supervisor. The Town Council shall hold a public hearing and shall give written notice, including the date and time of a public hearing at which the application will be considered to the owners as contained in said listing. Notice shall be sent by certified mail to the last address of such owners as appears on the list supplied by the applicant. Notice shall be given at least ten (10) days in advance of such public hearing by a legal advertisement placed in a newspaper having general circulation in Dare County. Notice of these hearings shall be posted on the property concerned for at least ten (10) days prior to the public hearing

(b) The Planning Board shall review the application for a conditional use permit and shall submit its recommendation as to approval or disapproval with such conditions as it may deem necessary to the Town Council.

Part II. Delete paragraph 3 of Section 10.05 Application for Permit for Conditional Uses and replace with new section to read as follows:

3. In instances where a property owner seeks to obtain a vested right pursuant to Section 10.09 of this ordinance a public hearing shall be held by the Town Council. The Town Council shall give written notice by certified mail including the date and time of the public hearing to the owner of the property or his agent for which the vested right is sought. Notice shall be given at least ten (10) days in advance of such public hearing by a legal advertisement placed in a newspaper having general circulation in Dare County. Notice of these hearings shall be posted on the property concerned for at least ten (10) days prior to the public hearing.

Part III. Article XIV. Changes and Amendments. Section 14.01. Motion to amend

Change in last sentence "fifteen (15) days" to read "ten (10) days"

Part IV. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Part V. This ordinance shall be in full force and effect from and after the ___ day of _____ 2001.

Paul Sutherland, Mayor

ATTEST:

Carrie Gordin, Town Clerk

Date: ___/___/___
VOTE: ___ Ayes ___ Noes

Approved As To Form:

Thomas L. White, Jr. Town Attorney



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Resolution # 01-05-008

RESOLUTION REQUESTING DARE COUNTY BOARD OF COMMISSIONERS TO APPOINT
A COMMITTEE TO PROVIDE RECOMMENDATIONS TO THE BOARD ON
PROPORTIONAL REPRESENTATION ON THE DARE COUNTY BOARD OF
COMMISSIONERS AND THE DARE COUNTY BOARD OF EDUCATION BASED UPON
THE 2000 UNITED STATES CENSUS DATA

WHEREAS, the Dare County Board of Commissioners and the Dare County Board of Education are currently comprised of seven members, 6 of whom must reside in specific districts and one at-large member; and

WHEREAS, the six members with specific residency requirements were allocated based upon 1990 United States Census data; and

WHEREAS, 2000 United States Census data shows that the citizen to representative ratio for some of the districts is no longer proportional and citizens living in the northern beach communities from Nags Head to Duck are under represented; and

WHEREAS, while there may be no controlling legal authority, county code or charter which requires redistricting in Dare County after each Census, residency districts with approximately equal population is a fair and equitable objective for Dare County and is in keeping with the principle of "one person, one vote" which has long been a standard in the United States; and

WHEREAS, many other governmental entities have already begun or completed redistricting actions to assure completion prior to filing deadlines for the next elections

NOW THEREFORE BE IT RESOLVED that the Town Council of Southern Shores, NC, does respectfully ask the Dare County Board of Commissioners to expeditiously appoint a committee, consisting of a representative of each of the municipalities and major unincorporated areas of Dare County, to formulate recommendations for the redistricting of the County based upon the results of the 2000 United States Census.

Adopted by the Southern Shores Town Council this the first day of May 2001.


Paul Sutherland, Mayor

ATTEST:


Carrie Gordin, Town Clerk